

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETITION OF THE OFFICE OF	:	
CONSUMER ADVOCATE FOR	:	
A RULEMAKING TO AMEND	:	Docket No. P -
TITLE 52 PA CODE § 63.	:	

PETITION FOR RULEMAKING

I. INTRODUCTION

Pursuant to section 5.43 of the Commission’s regulations, 52 Pa.Code § 5.43, the Office of Consumer Advocate (“OCA”) hereby requests that the Commission amend its telephone service regulations, codified at Title 52 Pa. Code § 63.1 *et seq.* The Commission first adopted these regulations in March of 1946. The Commission has intermittently revised these regulations, the last general revision occurring in 1988.¹ Advances in technology and changes in

1. In 1982 the Commission revised §63.12 Minimizing interference and inductive effects, §63.23 Construction and maintenance (footnote continued)

consumer needs, however, require the Commission to examine these regulations anew.

Modern times are witness to not only far-reaching technological changes in the provision of voice service, but also the use of the Internet by the general public. Chapter 63 has not kept pace with these changes. Although parties may debate the specifics of proposed amendments, the OCA submits that the need for modern regulations is beyond question. In support of its Petition to open a rulemaking to develop modern telephone service regulations, the OCA submits the following.

II. PETITION FOR RULEMAKING

A. INTEREST OF THE PETITIONER

1. The OCA is an agency created by the General Assembly to represent the interests of public utility service consumers in the Commonwealth before the Commission. 71 P.S. § 309-2.

2. The subject matter of this petition, the Commission's telephone service regulations found at Title 52 Pa. Code §63.1 *et seq.*, is of direct interest to Pennsylvania's telecommunications consumers.

3. Pennsylvania's telecommunications consumers have a direct interest in the Commission's telephone service quality regulations because those regulations determine the minimum acceptable service standards under which telecommunications carriers provide service within the Commonwealth.

safety standards and facilities; in 1988 it revised §63.14 Emergency equipment and personnel, §63.22 Service records, §63.55 Surveillance levels, §63.56 Measurements, §63.58 Installation of service, §63.59 Operator-handled calls, §63.62 Direct distance dial service, §63.63 Transmission requirements and standards; in 1989 it revised §63.57 Customer trouble reports; and in 1998 it revised §63.18 Multiparty line subscribers.

4. The OCA represents that consumer interest before the Commission in the filing of this petition.

B. SPECIFIC REGULATIONS IN QUESTION

5. This Petition for Rulemaking concerns certain regulations contained in Title 52 Pa. Code § 63.1 *et seq.* Section D below details the sections the OCA seeks to amend.

6. A copy of 52 Pa. Code § 63 *et seq.* in its existing form is included herein and is marked “Attachment A.”

C. PURPOSE OF THE REQUESTED AMENDMENTS

7. These proposed amendments seek to update the Commission’s telephone service quality regulations codified at 52 Pa. Code § 63.1 *et seq.* The Commission first promulgated those regulations over fifty years ago, and the last significant amendments occurred in the late 1980’s. These proposed amendments serve to update these regulations to reflect the considerable technical and policy developments that have occurred since the prior amendments in the late 1980’s. Below, the OCA highlights a few of the more significant proposals.

i. Internet Access

8. Pennsylvania encourages use of the Internet.² Most Internet users gain access to the World Wide Web via a dial-up connection.³ The Commission’s

2. Pennsylvania actively encourages its residents to access the Internet by creating tax exemptions for the purchase of computer and internet access equipment. Press release, Department of Revenue, Gov. Schweiker Encourages

existing regulations do not address the speed at which consumers may connect to the network using standard modem technology. The OCA suggests a new standard of 28.8 Kilobits per second (“Kbps”) as a very conservative standard. Such a speed would provide an improvement over the current regulations, which lack any standard at all. In fact, this Commission has concluded that

Pennsylvanians To Purchase Computers And Accessories Tax-Free During ‘Tax-Free PC Plus’ Week (February 15, 2002), available at <http://www.revenue.state.pa.us/revenue/CWP/view.asp?A=208&Q=183396>. All branches of Pennsylvania’s government provide Internet-based information and services that citizens are encouraged or expected to use to interact with government. See <http://www.state.pa.us/PAPower/> (comprehensive listing of government Internet sites and Internet services. In addition, Pennsylvania has created programs to encourage adoption of Internet use. In June of 2001, Governor Ridge stated that “[f]or our students to fully succeed in the digital age, they need access to the technology that drives the global marketplace.” Press Release, Office of Governor Ridge, Governor Ridge Announces Nearly \$14 Million in Technology Grants for Pennsylvania’s Schools (June 5, 2001), available at http://www.paworkforce.state.pa.us/pa_workforce/CWP/view.asp?a=154&Q=162522 (September 3, 2002).

3. A comparison of the number of high-speed vs. dial-up users shows that most subscribers access the World Wide Web via a dial up connection. In its Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable And Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, CC Docket 98-146, Third Report, (February 6, 2002) (“Third Report”), FCC research concluded that a total of 9.6 million Americans currently use a high-speed provider to access the Internet. Third Report at Table 5. In contrast, dial-up access provider AOL had 33 Million customers in early 2002 and MSN had 8 million. Elkin, Tobi, Digital Domain: MSN goes after “valuable users”: Global expansion, broadband key in quest to counter AOL, Advertising Age, March 4, 2002. The latter figures do not include the myriad numbers of local dial-up access providers spread throughout the United States.

under the current regulations, Pennsylvania consumers have no right to a telephone line that would support dial-up internet access at any speed.⁴ Rather, the Commission has found that its regulations require only voice-grade service. The OCA asserts that this Commission should establish regulations that require carriers to provide dial-up internet access at a minimum speed of 28.8 Kbps as a necessary element of providing adequate, efficient, safe, and reasonable service.

ii. Network Interface Device

9. Telephone utilities and regulatory commissions have established a separation between a customer's inside wire and the carrier's outside loop, and carriers assume responsibility for the loop up to the point where the loop enters the customer's premises. Some customers, generally those in new construction and those who have had certain repairs performed, receive a Network Interface Device or "NID" at the point between the loop and the inside wire. The NID effectively serves as a junction box and access point between the carrier's network and the customer's premises wiring.

10. The NID allows a customer to perform certain diagnostics to determine if a problem resides in the inside wire or in the outside loop. The Commission should require a comprehensive NID installation program because without a NID, a customer can neither determine nor confirm the exact location of a service problem. Given that local service providers charge substantial fees for the performance of inside wire maintenance, and do not charge the customers

4. Krause v. Verizon Pennsylvania, Inc., Docket No. C-00004580, Initial Decision at 14-15 (April 23, 2002), Order entered June 10, 2002. See also Knight v. Bell Atlantic-Pa. Inc., Docket No. C-00003681, Initial Decision (December 18, 2000), Order entered (February 16, 2001). See also Boyd v. GTE North Incorporated, 83 Pa. P.U.C. 531, Docket No. C-00945821 (Order entered December 14, 1994).

for service on the loop, customers should have the opportunity to diagnose, and later confirm, the location of those necessary repairs. This will work to the benefit of consumers and telephone companies alike. The OCA requests that all public utilities develop a program to have NIDS installed for all customers.

iii. Service Quality Review on an Exchange-by-Exchange Basis

11. Current regulations require that carriers report service measures on a statewide basis. That aggregated level of analysis is not sufficient to address problems that occur on even a regional basis, let alone problems isolated to a particular exchange. Therefore, the quality of service rules should address quality of service on an exchange-by-exchange basis. That way, both consumers and the Commission could better address localized quality of service issues, and make informed judgments regarding the scope of any proposed changes or solutions.

12. The OCA also emphasizes that all such reports should be filed as public documents. In this manner, customers and public advocates can determine if service issues relate to an individual customer, an individual exchange, or if a service issue is systemic in nature. This would also help to isolate problems to particular networks. A prime example of the use of such reports would be customer complaints related to call blocking. If that data were publicly available, consumers could readily determine if a problem truly exists in their exchange with their local network. Also, the ability of customers and advocates to examine that data freely would allow a more informed review of developing service quality problems, rather than waiting until problems are developed through consumer complaints.

iv. Customer Credit for Missed Service and Installation Appointments

13. The Commission should establish regulations that require customer credits for missed repair and installation appointments. The OCA receives reports from consumers who, after discussing their service problems with the utility, take time off from work to be present during a technician's site visit only to have the technician fail to appear at the scheduled time or at all. In addition to being a major source of consumer frustration, these missed appointments represent a real cost to consumers. Customer credit for missed appointments strikes the appropriate balance between the value of the customer's effort and time, and the ability of the utility to schedule and meet its customer service commitments.

14. In addition, these types of credits are not novel. Other states, such as Colorado, Iowa, Ohio, and Utah, have such regulations to protect consumer interests and to provide an appropriate incentive to utilities to meet repair and installation commitments.⁵ Here, the OCA suggests that the Commission should allow carriers to establish a four-hour appointment window. Failure to arrive within that window would, however, result in the customer receiving a credit in the amount of that customer's monthly recurring service charge.

v. Out-of-service Reports

5. One-half of the installation fee for an install, and one-half of the monthly recurring charge for a repair - Ohio Admin. Code § 4901:1-5-02 (2002) Minimum Telephone Service Standards; two months recurring charge for repair, and a full credit of the install charge for installation; a missed appointment is one where the technician is more than one hour late - 4 Colo. Code Regs. § 723-43-10 (2002) Per Occurrence Credits; \$10.00 credit to residential customers for either repair or installation. Utah Admin. Code 746-340-8 (2002) End User Service Standards for Incumbent Telecommunications Corporations with 30,000 or More Access Lines in Utah, Not Subject to Sufficient Competition; one month service free of charge, and a missed appointment is one where the technician is more than one hour late - Iowa Admin. Code 199-22.6(476) (2002) Standards of Quality of Service.

15. The regulations of this Commission should require that telephone utilities provide reliable service to all customers. The OCA therefore proposes to eliminate the customer repair report exception found at §63.57(b) in recognition of that requirement. In that section, telephone utilities must respond to out-of-service trouble reports within twenty-four hours, except for those outages that occur on weekends and involve fewer than 15 people. Given the need for emergency services, and other needs, telephone service is too important for an out-of-service response exception this broad in scope.

vi. Safety Considerations

16. Chapter 63.23 of the current regulations addresses construction and maintenance safety standards for facilities. That regulation only requires compliance with the 1981 edition of the National Electrical Safety Code to establish the standards for Pennsylvania's telephone utilities. There is no reason that Pennsylvania's telecommunications utilities cannot comply with the most recent version of the National Electrical Safety Code.

vii. Multiparty Service

17. Multiparty service is a form of telephone service where more than one customer shares a specific telephone line. This type of telephone service has declined in popularity in the past 20 years and few, if any, companies offer this service to new customers. Few consumers choose to use multiparty service at the present time, and it is no longer necessary to maintain regulations specifically governing that service. To the extent that multiparty service still exists, the service quality requirements of that service may be met through the general service quality requirements.

D. AMENDMENTS REQUESTED

18. To comply with the requirements of 52 Pa.Code § 5.43, an amended Title 52 Pa. Code § 63 *et seq.* is attached and incorporated by reference. That amended section is marked “Attachment B.” Below, the OCA enumerates the specific sections it seeks to amend.

19. Chapter 63.12 Minimizing interference and inductive effects – the OCA seeks to amend this section to conform to modern standards and practices.

20. Chapter 63.14 Emergency equipment and personnel – the OCA seeks to amend this section to conform to modern standards and practices.

21. Chapter 63.18 Multiparty line subscribers – the OCA seeks to delete this section.

22. Chapter 63.22 Service records – the OCA seeks to amend this section to provide for easier consumer reporting and rapid provider response to all trouble reports and consumer complaints.

23. Chapter 63.23 Construction and maintenance safety standards for facilities – the OCA seeks to update these standards to reflect the current National Electrical Safety Code.

24. Chapter 63.55 Surveillance levels – the OCA seeks to amend this section to reflect an exchange-by-exchange approach to network service quality monitoring.

25. Chapter 63.56 Measurements – the OCA seeks to amend this section such that telecommunications providers shall retain records for a certain period and telecommunications providers shall engage in programs to install a network interface device on all residential and single-line business locations served.

26. Chapter 63.57 Customer trouble reports – the OCA seeks to amend this section to:

- (a) remove certain exceptions relating to the reporting of outages;
- (b) update the requirements for the clearing of out-of-service trouble reports;
- (c) establish standards for commitments to complete repairs, and to establish exceptions thereto;
- (d) establish customer credit amounts and procedures in the event of a carrier's failure to meet its appointment and repair commitments to its customer;
- (e) provide for customer notification when a carrier cannot meet its existing repair commitment;
- (f) establish procedures to make an individual tally of multiple reports received on the same complaint or trouble report;
- (g) establish certain standards for the number of complaints received per 100 lines, per month, per exchange; and
- (h) establish procedures to ensure for the prompt investigation and correction of trouble reports.

27. Chapter 63.58 Installation of service – the OCA seeks to amend this section to:

- (a) provide for reporting requirements when a provider fails to meet 90% of its primary service order installations in any month on an exchange-by-exchange basis;
- (b) establish procedures regarding the timing and scheduling of premises visits, and customer notice when the utility is unable to meet its scheduled commitment;

- (c) establish customer credit amounts for the failure to meet installation commitments without adequate notice to the customer.
- (d) establish a 90% completion requirement as to the date of installation of service and penalties and exceptions thereto.

28. Chapter 63.59 Operator handled calls – the OCA seeks to amend this section regarding operator answering performance.

29. Chapter 63.62 Direct distance dial service – the OCA seeks to amend this section regarding trunk group performance and certain reporting requirements.

30. Chapter 63.63 Transmission requirements and standards – the OCA seeks to amend this section to:

- (a) reflect updated technical standards relating to line noise and performance;
- (b) establish a minimum standard for voice circuit quality to allow for a transmission rate of at least 28,800 bits of data per second when connected to a standard modem or fax machine.

E. PUBLIC INTEREST SUPPORTING AMENDMENT

31. A goal of the Pennsylvania General Assembly and the Commission is to establish a regulatory paradigm that supports universal service and a state-of-the-art telecommunications network throughout Pennsylvania. Rapid advances in digital circuitry and other materials have raised telecommunications

performance levels beyond those available when the regulations were last revised.⁶

32. The Commission first promulgated 52 Pa. Code § 63 *et seq.* in 1946, long before many of the technological and competitive developments that have significantly altered Pennsylvania's telecommunications marketplace, and the last substantive amendments to the sections at issue occurred in the late 1980's.

33. Other states such as Texas, Ohio, and Colorado have developed telecommunications service quality regulations to accommodate competition and technological change.

34. Over the past ten years, the Commission and the OCA have continued to receive complaints from telecommunications consumers regarding service quality. Often, these complaints concern the ability to reach the internet through a dial-up line.

35. It is the policy of this Commonwealth, as expressed in Title 66 Pa. C.S. § 3001 to:

- (a) ensure the efficient delivery of technological advances and new services throughout the Commonwealth.
- (b) provide that the conditions of access services do not impede the development of competition

6. The Commission is currently conducting a collaborative regarding the quality of service among incumbent and competitive local exchange carriers. Interim Guidelines Establishing Quality of Service Procedures for Jurisdictional Telecommunications Companies, Docket No. M-00011582, F0003, (April 23, 2002). The OCA attempted to address the retail quality of service issues presented by this Petition within that collaborative. The participants and the facilitator determined that a collaborative was not the proper forum to address retail quality of service issues because the parties were unlikely to reach consensus on the issues presented by this Petition.

- (c) encourage the provision of telecommunications products and services that enhance the quality of life of people with disabilities

36. Section 1501 of the Public Utility Code provides in part that public utilities shall provide adequate, efficient, safe, and reasonable services and shall make changes, alterations, and improvements in such services necessary for the accommodation and convenience of its patrons and the public.

F. REQUEST FOR RELIEF

Pursuant to Section 5.43 of the Commission's regulations, 52 Pa.Code § 5.43, the Office of Consumer Advocate requests that:

37. The Commission institute a Rulemaking to amend 52 Pa. Code § 63 *et seq.*

38. The Commission solicit comments from interested parties regarding the regulations proposed by the OCA, as set forth herein.

39. The Commission amend 52 Pa. Code § 63 *et seq.* consistent with the above and consider the OCA's amended Title 52 § 63 *et seq.*, as found in Attachment B.

III. CONCLUSION

For the foregoing reasons, the OCA respectfully requests that the Commission grant this Petition and institute a rulemaking proceeding to amend Title 52 § 63 *et seq.*

Respectfully submitted,

Philip F. McClelland
Senior Assistant Consumer Advocate

Shaun A. Sparks
Assistant Consumer Advocates

Counsel For: Irwin A. Popowsky
Consumer Advocate

Office of Consumer Advocate
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048
Date: October 2, 2002

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ATTACHMENT A

Existing Regulations

CHAPTER 63. TELEPHONE SERVICE

- A. [GENERAL PROVISIONS ... 63.1](#)
- B. [SERVICE AND FACILITIES ... 63.11](#)
- C. [ACCOUNTS AND RECORDS ... 63.31](#)
- D. [UNDERGROUND SERVICE ... 63.41](#)
- E. [TELEPHONE QUALITY SERVICE STANDARDS ... 63.51](#)
- F. [EXTENDED AREA SERVICE ... 63.71](#)
- G. [PUBLIC COIN TELEPHONE SERVICE ... 63.91](#)
- H. [INTEREXCHANGE TELECOMMUNICATIONS CARRIERS ... 63.101](#)
- I. [INTEREXCHANGE RESELLERS ... 63.111](#)
- J. [CONFIDENTIALITY OF CUSTOMER COMMUNICATIONS AND INFORMATION ... 63.131](#)
- L. [UNIVERSAL SERVICE ... 63.161](#)

Subchapter A. GENERAL PROVISIONS

Sec.

[63.1.](#) Definitions.

Authority

The provisions of this Chapter 63 issued under Public Utility Law act of May 28, 1937 (P. L. 1053) (66 P. S. § § 1341—1342) (Repealed), unless otherwise noted.

Source

The provisions of this Chapter 63 adopted March 25, 1946; amended through June 30, 1969, unless otherwise noted.

§ 63.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Applicant—A person, association, partnership, corporation or government agency

making a written or oral request for the commencement of or changes in its public utility service.

Application—A written or oral request to a public utility for the commencement of or changes in public utility service.

Automatic dialing-announcing device—Automatic equipment used for solicitation which has a storage capability of multiple numbers to be called or a random or sequential number generator that produces numbers to be called and has the capability, working alone or in conjunction with other equipment, of disseminating a prerecorded message to the number called.

Busy hour—The continuous 1-hour period of the day during which the volume of traffic is greater than during another continuous 1-hour period of the same day.

Busy season—The calendar month or 30-day period of the year during which the greatest volume of traffic is handled in the office.

Calls—A customer telephone message attempted.

Central office—An operating unit equipped with switching apparatus by means of which telephonic communication is established between telephones connected to it or by the additional aid of trunk lines between the telephones and telephones connected to other central offices.

Customer—A person, association, partnership, corporation or government agency provided with telephone service by a regulated public utility.

Exchange—A unit established by a public utility for the administration of communication services under its specific local exchange service tariff provisions consisting of one or more central offices with associated plant facilities used in furnishing services and having one point designated for the purpose of rating toll calls for customers.

Interexchange carrier—A carrier which provides interexchange telephone services to the public under 66 Pa.C.S. § 3008 (relating to interexchange telecommunication carrier).

Local service area—The area within which customers may call without assessment of toll charges.

Message—A completed customer or user call.

Message unit—A unit of measurement used for a form of exchange service under which originated messages are measured and charged for in accordance with the local exchange tariff.

Metering—The metering of data concerning a customer's calls which is used in preparation of the customer's bill for service which is made by operators, automatic message accounting, message registers or other acceptable data recorder methods.

Nonprimary service order—An application for simple residential or business, voice grade, public utility service which is not primary service.

Primary service order—An application for simple residential or business, voice grade, public utility service to be provided at a customer location which does not have public utility service including, but not limited to, the initial connection of a new customer or the transfer of public utility service of an existing customer's service to a new location.

Public utility—A person or corporation owning or operating equipment or facilities in this Commonwealth for conveying or transmitting messages or communications over the telecommunications network for the public for compensation. The term does not include either a person or corporation not otherwise a public utility who or which furnishes service only to himself or itself or a bona fide cooperative association which furnishes services only to its stockholders or members on a nonprofit basis.

Subscriber—A person, firm or corporation designated on public utility records as the party responsible for payment of bills for telephone service.

Surveillance level—A measurement of telephone service which indicates a need for the public utility to investigate the cause of the problem, to remedy the problem and to inform the Commission of the problem.

Trouble report—A written or oral report delivered to an authorized public utility representative by a customer or user of public utility services which relates to a defect, difficulty or dissatisfaction with the public utility's regulated service.

Trunk—A communication channel between central offices, switching units or private branch exchanges.

Working day—A day except Saturday, Sunday or legal holiday.

Authority

The provisions of this § 63.1 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 504—506, 1301, 1501, 1504 and 2901.

Source

The provisions of this § 63.1 adopted March 25, 1946; amended through June 30, 1969; amended October 29, 1982, effective December 18, 1982, 12 Pa.B. 4285; amended January 29, 1988, effective July 30, 1988, 18 Pa.B. 466; amended July 17, 1998, effective

July 18, 1998, 28 Pa.B. 3394. Immediately preceding text appears at serial pages (232265) to (232266) and (205879).

Cross References

This section cited in 52 Pa. Code § 63.51 (relating to purpose); and 52 Pa. Code § 63.52 (relating to exceptions).

Subchapter B. SERVICE AND FACILITIES

Sec.

- [63.11.](#) Accident reports.
- [63.12.](#) Minimizing interference and inductive effects.
- [63.13.](#) Periodic inspections.
- [63.14.](#) Emergency equipment and personnel.
- [63.15.](#) Complaint procedures.
- [63.16.](#) Traffic measurements.
- [63.17.](#) [Reserved].
- [63.18.](#) Multiparty line subscribers.
- [63.19.](#) Interoffice lines.
- [63.20.](#) Line extensions.
- [63.21.](#) Directories.
- [63.22.](#) Service records.
- [63.23.](#) Construction and maintenance safety standards for facilities.
- [63.24.](#) Service interruptions.

§ 63.11. Accident reports.

(a) *General.* A public utility shall submit a report of a reportable accident involving the facilities or operations of the public utility in this Commonwealth. The reports shall be addressed to the Secretary of the Commission.

(b) *Reportable accidents.* Reportable accidents are those involving utility facilities or operations which result in one or more of the following circumstances:

- (1) The death of a person.

(2) Injury to an employee on duty sufficient to incapacitate him from performing his ordinary duties for a period longer than 3 days.

(3) Injury to a person other than an employee on duty sufficient to incapacitate the injured person from following his customary vocation, or mode of life, for a period of more than 1 day.

(4) An occurrence of an unusual nature, whether or not death or injury of a person results, which apparently will result in a prolonged and serious interruption of normal service.

(c) *Telegraphic reports.* A report by telephone or telegraph shall be made at once in the event of the occurrence of a reportable accident resulting in the death of a person, or in the event of an occurrence of an unusual nature.

(d) *Written reports.* A written report shall be made on Form UCTA-8 immediately following the occurrence of a reportable accident as defined in subsection (b). Accidents reportable to the Commission, which reports are also required by the Bureau of Workmen's Compensation, Department of Labor and Industry, may be reported by transmitting a copy of the reports in lieu of a report on Form UCTA-8.

Authority

The provisions of this § 63.11 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 504, 1501, 1508 and 2901.

Source

The provisions of this § 63.11 adopted March 25, 1946; amended through June 30, 1969; amended October 29, 1982, effective December 18, 1982, 12 Pa.B. 4285. Immediately preceding text appears at serial page (21000).

§ 63.12. Minimizing interference and inductive effects.

(a) *Interference.* A public utility system shall be so constructed as to eliminate cross-talk and noise resulting from faulty construction, to the extent that these factors interfere with the satisfactory transmission of messages.

(b) *Induction.* A public utility shall use reasonable means to minimize inductive effects between adjacent power and communication circuits.

Authority

The provisions of this § 63.12 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 504, 1501 and 1508.

Source

The provisions of this § 63.12 adopted March 25, 1946; amended through June 30, 1969; amended October 29, 1982, effective December 18, 1982, 12 Pa.B. 4285. Immediately preceding text appears at serial page (21001).

§ 63.13. Periodic inspections.

A public utility shall adopt a program of periodic tests, inspections and preventive maintenance aimed at achieving continuous efficient operation of its system in a manner satisfactory to the Commission.

Authority

The provisions of this § 63.13 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 504, 1501 and 1508.

Source

The provisions of this § 63.13 adopted March 25, 1946; amended through June 30, 1969; amended October 29, 1982, effective December 18, 1982, 12 Pa.B. 4285. Immediately preceding text appears at serial page (21001).

§ 63.14. Emergency equipment and personnel.

(a) *Emergencies.* A public utility shall take reasonable measures to meet emergencies, such as fire, storm, illness of personnel, power failure or sudden increase in traffic, by making available to the extent practicable the following:

- (1) Emergency sources of ringing, lighting and other power.
- (2) Other reserve equipment.

(i) The reserve equipment shall include a minimum of 3 hours battery reserve for central offices equipped with permanently installed standby power facilities.

(ii) Central offices shall have adequate provisions for standby power. A central office which is without stationary standby power facilities shall have available a portable power unit which can be delivered and connected on short notice.

(iii) Exchanges exceeding 5,000 lines shall be equipped with stationary standby power facilities.

- (3) Qualified personnel for emergency operating and repair work.

(b) *Emergency service.* If the volume of traffic does not require that the central office be attended during the full 24 hours, emergency service shall be provided during the period in which the switchboard is unattended by the use of suitable alarm signals and conveniently available personnel.

Authority

The provisions of this § 63.14 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 504, 1501, 1504 and 2901.

Source

The provisions of this § 63.14 adopted March 25, 1946; amended through June 30, 1969; amended January 29, 1988, effective July 30, 1988, 18 Pa.B. 466. Immediately preceding text appears at serial pages (78478) and (95639).

§ 63.15. Complaint procedures.

(a) *Investigations.* A public utility shall make a full and prompt investigation of service complaints made to it through the Commission by its customers or third parties. Upon receiving a service complaint from a customer of a utility, the Commission will transmit a summary of the service complaint to the utility. If a service complaint is resolved, the utility may terminate the investigation by submitting or transmitting a copy of the service order which identified the action taken by the utility to resolve the service complaint. When complaints are referred to the public utility through the Commission, the public utility and the Commission shall work to process and resolve all complaints.

(b) *Records of complaints.* A public utility shall preserve written or recorded service complaints showing the name and address of the subscriber or complainant, the date and character of the complaint, the action taken and the date of final disposition. Records of complaints shall be kept in accordance with § 64.192 (relating to record maintenance).

(c) *Commission review.* If a customer or applicant expresses dissatisfaction with the utility company's decision or explanation, the utility shall inform the customer or applicant of the right to have the problem considered and reviewed by the Commission and shall provide the name, address and telephone number of the appropriate Commission Bureau. This subsection shall be read in conjunction with § § 64.141—64.182 when applicable to residential utility service.

Authority

The provisions of this § 63.15 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 504—506, 1301, 1501, 1504 and 2901.

Source

The provisions of this § 63.15 adopted March 25, 1946; amended through June 30, 1969; amended October 29, 1982, effective December 18, 1982, 12 Pa.B. 4285; amended January 29, 1988, effective July 30, 1988, 18 Pa.B. 466; amended July 17, 1998, effective July 18, 1998, 28 Pa.B. 3394. Immediately preceding text appears at serial pages (205881) to (205882).

§ 63.16. Traffic measurements.

Traffic measurements shall be taken of sufficient extent, frequency and character to determine that central office equipment and personnel are adequate to handle traffic without unreasonable delay.

Source

The provisions of this § 63.16 adopted March 25, 1946; amended through June 30, 1969.

§ 63.17. [Reserved].

Source

The provisions of this § 63.17 adopted March 25, 1946; amended through June 30, 1969; amended October 29, 1982, effective December 18, 1982, 12 Pa.B. 4285; reserved July 17, 1998, effective July 18, 1998, 28 Pa.B. 3394. Immediately preceding text appears at serial pages (205882) and (225747).

§ 63.18. Multiparty line subscribers.

A multiparty line subscriber may be required to take service of a different grade if his use of service interferes unreasonably with the necessary service of the other subscribers on the line. The number of subscribers connected to a multiparty line shall be limited to a maximum of four.

Authority

The provisions of this § 63.18 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 504—506, 1301, 1501 and 1508.

Source

The provisions of this § 63.18 adopted March 25, 1946; amended through June 30, 1969; amended October 29, 1982, effective December 18, 1982, 12 Pa.B. 4285; amended July 17, 1998, effective July 18, 1998, 28 Pa.B. 3394. Immediately preceding text appears at serial page (225747).

§ 63.19. Interoffice lines.

A public utility furnishing, singly or jointly with other telephone companies, channels for communication between different central offices, may not connect stations of subscribers to these channels. Sufficient interoffice channels shall be provided to handle the traffic without unreasonable delay.

Source

The provisions of this § 63.19 adopted March 25, 1946; amended through June 30, 1969.

§ 63.20. Line extensions.

(a) *Duty of public utility to make line extensions.* A public utility shall make reasonable line extensions within the territory in which it is chartered to operate.

(b) *Tariffs to include line extension rule.* As part of its tariffs each public utility shall file rules with the Commission setting forth the conditions under which it will make line extensions servicing applicants within its charter territory.

Source

The provisions of this § 63.20 adopted March 25, 1946; amended through June 30, 1969.

§ 63.21. Directories.

(a) When a directory is provided by the public utility, it shall be revised and reissued at sufficiently frequent intervals to avoid serious inconvenience to the public. A satisfactory length for a directory period shall be determined by the volume of changes and new listings and the facilities available for supplying new numbers to calling parties and for intercepting calls to numbers which have been changed.

(b) One copy of each new directory issue shall be furnished to each subscriber and one copy sent to the Commission by the issuing public utility at the time of its distribution to subscribers.

(c) A directory shall contain the following:

- (1) The name of the issuing public utility.
- (2) The month and year issued.
- (3) A statement of the area covered by the directory.

(4) Necessary instructions to enable users to place calls efficiently, including, but not limited to, telephone company local, toll, emergency and operator-assistance calls. Necessary instructions to transact business with the telephone company, such as payment of bills, ordering changes in service and reporting service difficulties.

(5) A separate section containing social service organization, school and government listings.

(d) A name shall be listed in a directory only if the following conditions are met:

(1) It leads to a positive and particular identification of a party.

(2) It is a name the party legally is authorized to use.

(3) It is a name used by the party in the community.

(4) It is a name which is not misleading, deceptive or confusing.

(e) Upon receiving a customer complaint alleging misleading, deceptive or confusing directory listings, a public utility shall investigate the complaint under § 63.15 (relating to complaint procedures). If the utility determines that a directory listing is misleading, deceptive or confusing, the utility shall delete the listing from future directories. After reaching its decision the public utility shall advise interested parties in writing of its opinion and shall inform them of the right to file a complaint with the Commission.

Authority

The provisions of this § 63.21 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 504—506, 1301, 1501, 1504 and 2901.

Source

The provisions of this § 63.21 adopted March 25, 1946; amended through June 30, 1969; amended January 29, 1988, effective July 30, 1988, 18 Pa.B. 466; amended July 17, 1998, effective July 18, 1998, 28 Pa.B. 3394. Immediately preceding text appears at serial pages (225747) to (225748) and (205885).

Notes of Decisions

Duty to Inform

Duty to inform public under this section does not establish duty on part of phone company to give non-negligent legal service in its directory, where issue was raised for first time on appeal. *Rice v. Bell Telephone Company of Pennsylvania*, 524 A.2d 522 (Pa. Super. 1987).

§ 63.22. Service records.

(a) A public utility shall keep sufficient records to reflect the following:

(1) Tests and inspections showing data as to date, facilities tested or inspected, conditions of the facilities and action taken.

(2) Service complaints and trouble reports.

(i) A public utility shall provide for the receipt of trouble reports at all hours and make a full and prompt investigation of, and response to, complaints, with the exception of isolated outages beyond normal working hours affecting fewer than 15 customers in an exchange.

(ii) A public utility shall maintain an accurate record of customer trouble reports which shall include:

(A) Identification of the customer affected.

(B) Service affected.

(C) Time, date and nature of the report.

(D) Results of investigation.

(E) Action taken to remedy the situation.

(F) Time and date of trouble clearance or other disposition.

(3) Service interruptions affecting 300 or more customers, including the date, cause, extent and duration of the interruption.

(4) Location and description of its plant, including maps, as appropriate.

(b) Records required by this chapter shall be kept within this Commonwealth at an office of the utility located in the territory served by it, and shall be open for examination by the Commission or its representative.

(c) Records pertaining to reasonableness and adequacy of utility service, as required by this chapter, shall be filed with the Commission and released to the public upon request. A utility may petition the Commission for waiver of this subsection for particular public requests.

Authority

The provisions of this § 63.22 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 504, 1501, 1508 and 2901.

Source

The provisions of this § 63.22 adopted March 25, 1946; amended through June 30, 1969; amended October 29, 1982, effective December 18, 1982, 12 Pa.B. 4285; amended January 29, 1988, effective July 30, 1988, 18 Pa.B. 466. Immediately preceding text appears at serial pages (122647) to (122648).

§ 63.23. Construction and maintenance safety standards for facilities.

Overhead and underground public utility equipment or facilities and crossings of the wires or cables of every public utility over or under the facilities of other public utilities, cooperative associations or electric utilities—including parallel or random installation of underground electric supply and communication conductors or cable—shall be constructed and maintained in accordance with safe and reasonable standards as set forth in the *National Electrical Safety Code*, 1981 edition.

Authority

The provisions of this § 63.23 issued under the Public Utility Code, 66 Pa.C.S. § § 501, 504, 1501 and 1508.

Source

The provisions of this § 63.23 adopted March 25, 1946; amended through June 30, 1969; amended October 29, 1982, effective December 18, 1982, 12 Pa.B. 4285. Immediately preceding text appears at serial page (21004).

§ 63.24. Service interruptions.

(a) *System maintenance.* Each public utility shall endeavor to maintain its entire system in such condition as to make it possible to furnish continuous service, and shall take reasonable measures to prevent interruptions of service and to restore service with a minimum delay if interruptions occur.

(b) When main telephone service is interrupted for a period of at least 24 hours, the public utility, after due notice by the customer, shall apply the following schedule of allowances except in situations as provided for in paragraph (3):

(1) One-thirtieth of the tariff monthly rate of services and facilities furnished by the public utility rendered inoperative, useless or impaired for each of the first three full 24-hour periods during which the interruption continues after notice by the customer to the public utility conditioned that the out-of-service extends beyond a minimum of 24 hours.

(2) Two-thirtieths of each full 24-hour period beyond the first three 24-hour periods. However, in no instance may the allowance for the out-of-service period exceed the total charges in a billing period for the service and facilities furnished by the public utility rendered useless or impaired.

(3) When service is interrupted for a period of at least 24 hours due to such factors as storms, fires, floods or other conditions beyond the control of the public utility, an allowance of 1/30 of the tariff monthly rate for all services and facilities furnished by the public utility rendered inoperative or substantially impaired to the extent of being useless shall apply for each full 24 hours during which the interruption continues after notice by the customer to the public utility.

(4) The allowances set forth in paragraphs (1)—(3) may not be applicable where service is interrupted by the negligence or willful act of the customer to service or where the public utility, pursuant to the terms of the contract for service, suspends or terminates service for nonpayment of charges or for unlawful or improper use of the facilities or service or for any other reason provided for in the filed and effective tariff.

Authority

The provisions of this § 63.24 issued under the Public Utility Code, 66 Pa.C.S. § § 501, 504, 1501 and 1508.

Source

The provisions of this § 63.24 adopted March 25, 1946; amended through June 30, 1969; amended through October 29, 1982, effective December 18, 1982, 12 Pa.B. 4285. Immediately preceding text appears at serial pages (21004) to (21005).

Subchapter C. ACCOUNTS AND RECORDS

Subchapter E. TELEPHONE QUALITY SERVICE STANDARDS

Sec.

- [63.51.](#) Purpose.
- [63.52.](#) Exceptions.
- [63.53.](#) General provisions.
- [63.54.](#) Record retention.
- [63.55.](#) Surveillance levels.
- [63.56.](#) Measurements.
- [63.57.](#) Customer trouble reports.
- [63.58.](#) Installation of service.
- [63.59.](#) Operator-handled calls.
- [63.60.](#) Automatic Dialing Announcing Devices (ADAD).
- [63.61.](#) Local dial service.
- [63.62.](#) Direct distance dial service.
- [63.63.](#) Transmission requirements and standards.
- [63.64.](#) Metering inspections and tests.
- [63.65.](#) Safety.

§ 63.51. Purpose.

This subchapter establishes, regulates and enforces uniform, fair and reasonable service objectives and surveillance levels of telephone service offered within this Commonwealth. This subchapter applies to regulated simple residential or business voice grade services offered by a public utility as defined in § 63.1 (relating to definitions). This subchapter does not preclude, supersede or amend Chapter 64 (relating to standards and billing practices for residential telephone service). This subchapter shall be applied in conjunction with Chapter 64.

Authority

The provisions of this § 63.51 issued under the Public Utility Code, 66 Pa.C.S. § § 501, 504, 1501, 1504 and 2901.

Source

The provisions of this § 63.51 adopted January 29, 1988, effective July 30, 1988, 18 Pa.B. 466.

§ 63.52. Exceptions.

This subchapter does not apply to services offered by interexchange carriers as defined in § 63.1 (relating to definitions).

Authority

The provisions of this § 63.52 issued under the Public Utility Code, 66 Pa.C.S. § § 501, 504, 1501, 1504 and 2901.

Source

The provisions of this § 63.52 adopted January 29, 1988, effective July 30, 1988, 18 Pa.B. 466.

§ 63.53. General provisions.

- (a) A public utility shall provide telephone service to the public in its service area in accordance with its tariff on file with the Commission. The quality of service shall meet or exceed the minimum standards set forth in this subchapter.
- (b) If a public utility fails to meet a standard service surveillance level in a reporting entity as described in this subchapter, the service data for the standard not met in that reporting entity shall be filed with the Commission.
- (c) A public utility shall provide access to operator-assisted services for all exchanges at all hours.
- (d) A public utility shall provide equipment and facilities designed and engineered in accordance with realistic forecasts of customer demand and shall maintain, or have access to, a stock of associated equipment to meet the demand.
- (e) If unreasonable hardship to a person or to a utility results from compliance within this subchapter, application may be made to the Commission for modification of the section or for temporary exemption from its requirements. The adoption of this subchapter by the Commission will not preclude the altering or amending of the provisions in a manner consistent with applicable statutory procedures, nor will the adoption of this subchapter preclude the Commission from granting temporary exemptions in exceptional cases. A person or utility that files an application under this section shall provide notice to a person who may be affected by the modification or temporary exemption. Notice may be made by a bill insert or in another reasonable manner.

Authority

The provisions of this § 63.53 issued under the Public Utility Code, 66 Pa.C.S. § § 501, 504, 1501, 1504 and 2901.

Source

The provisions of this § 63.53 adopted January 29, 1988, effective July 30, 1988, 18 Pa.B. 466.

§ 63.54. Record retention.

A public utility shall retain for at least 90 days the information contained in customer bills and used by the public utility in compiling customer bills. Billing information on an account for which a dispute is pending shall be retained until the dispute has been finally resolved.

Authority

The provisions of this § 63.54 issued under the Public Utility Code, 66 Pa.C.S. § § 501, 504, 1501, 1504 and 2901.

Source

The provisions of this § 63.54 adopted January 29, 1988, effective July 30, 1988, 18 Pa.B. 466.

§ 63.55. Surveillance levels.

(a) When the level of operation of a public utility fails to meet a stated average level of operation required by this subchapter for a period of 3 consecutive months, the public utility immediately shall:

(1) Initiate an investigation into the cause of the inadequate performance.

(2) Inform the Commission of the substandard performance and of steps, studies and investigations commenced and undertaken by the public utility to determine the cause and to remedy the inadequate performance.

(b) In addition to the requirements set forth in subsection (a), a public utility shall file with the Commission, within 5 working days from its initial contact with the Commission as provided for in subsection (a)(2), a report which contains the following information:

(1) The nature of the problem.

(2) The cause of the problem.

(3) The duration of the problem.

(4) The result of studies and investigations which have been taken.

(5) The remedial action taken.

(c) A public utility shall monitor the stated service problem area for a period of 1 month. At the end of this 1 month period the public utility shall file an updated status report with the Commission.

Authority

The provisions of this § 63.55 issued under the Public Utility Code, 66 Pa.C.S. § § 501, 504, 1501, 1504 and 2901.

Source

The provisions of this § 63.55 adopted January 29, 1988, effective July 30, 1988, 18 Pa.B. 466.

Cross References

This section cited in 52 Pa. Code § 63.57 (relating to customer trouble reports).

§ 63.56. Measurements.

(a) A public utility shall utilize measuring devices, methods and practices generally recognized and accepted by the communications industry to obtain or to allow the calculation of the service objectives detailed in this subchapter.

(b) Equipment arrangements permitting, each public utility shall have an objective of attaining at least 300 local dial service measurements per month on originating entities serving more than 10,000 access lines that are a part of a local dial network of 15,000 access lines.

(c) A public utility shall provide, maintain and operate a dial tone speed measuring device for originating entities serving more than 3,000 access lines.

(d) A public utility shall provide, maintain and operate load or service indicating devices on originating equipment for entities not equipped with a dial tone speed measuring device.

(e) A public utility shall monitor the answering time for calls received at customer contact locations, including, but not limited to, repair service, business offices and toll operator office. The monitoring required by this subchapter may be accomplished through measuring devices, random sampling or statistically valid customer satisfaction

surveys. The Commission retains the right to determine the appropriateness of utility monitoring methods in particular circumstances.

(f) A public utility shall establish and maintain a performance record for each central office or other appropriate entity which shall be kept current and shall show applicable service results hourly, daily, monthly, as appropriate.

(g) Records and measurements required by this section shall be retained by the public utility for a minimum period of 3 years.

Authority

The provisions of this § 63.56 issued under the Public Utility Code, 66 Pa.C.S. § § 501, 504, 1501, 1504 and 2901.

Source

The provisions of this § 63.56 adopted January 29, 1988, effective July 30, 1988, 18 Pa.B. 466.

§ 63.57. Customer trouble reports.

(a) A public utility shall respond to and take substantial action to clear out-of-service trouble of an emergency nature whenever the outage occurs, within 3 hours of the reported outage consistent with the needs of customers and personal safety of utility personnel.

(b) A public utility shall respond to and take substantial action to clear other out-of-service trouble, not requiring unusual repair, within 24 hours of the report, except for isolated weekend outages affecting fewer than 15 customers in an exchange or where the customer agrees to another arrangement.

(c) A public utility shall keep commitments made to its customers and applicants, unless timely notice of unavoidable changes is given to the customer or applicant or a reasonable attempt is made to convey the notice.

(d) If unusual repairs are required or other factors preclude the prompt clearing of reported trouble, reasonable efforts shall be made to notify affected customers.

(e) A report received by the public utility shall be counted as a separate report even though it may be a duplication of, or may involve a progress inquiry of, a previous report.

(f) It shall be substandard performance for a public utility to receive more than 5.5 customer trouble reports per 100 lines per month. A public utility receiving greater than 5.5 customer trouble reports per 100 lines per month is subject to the reporting requirements set forth in § 63.55(a) (relating to surveillance levels).

Authority

The provisions of this § 63.57 issued under the Public Utility Code, 66 Pa.C.S. § § 501, 504, 1501, 1504 and 2901.

Source

The provisions of this § 63.57 adopted January 29, 1988, effective July 30, 1988, except subsection (f) effective January 1, 1989, 18 Pa.B. 466.

§ 63.58. Installation of service.

(a) Ninety-five percent of a public utility's primary service order installation shall be completed within 5 working days of receipt of an application unless a later date is requested by the applicant or when construction is required.

(b) Ninety percent of a public utility's nonprimary service orders shall be completed no later than 20 days of receipt of an application unless a later date is requested by the applicant. If the utility company is unable to fill a nonprimary service order within the requisite time, the utility shall so inform the applicant and provide the applicant with the date nonprimary service will be available.

(c) Ninety percent of a public utility's commitments to applicants as to date of installation of service orders shall be met, except for applicant-caused delays, adverse weather conditions and other supervening causes beyond the utility company's control.

Authority

The provisions of this § 63.58 issued under the Public Utility Code, 66 Pa.C.S. § § 501, 504, 1501, 1504 and 2901.

Source

The provisions of this § 63.58 adopted January 29, 1988, effective July 30, 1988, 18 Pa.B. 466.

§ 63.59. Operator-handled calls.

(a) A public utility supplying operators shall establish practices for operators and the public utility shall establish practices for its representatives with the stated objective of providing efficient and pleasing service to its customers. Operators and other representatives shall be instructed to be courteous and considerate, and to comply with the Communications Act of 1934 (47 U.S.C.A. § § 157—611) in maintaining the secrecy of communications.

(b) A public utility supplying operators shall maintain adequate personnel and equipment to assure an average operator answering performance on a monthly basis as follows:

(1) Ninety percent of toll and operator assistance calls shall be answered within 10 seconds.

(2) Eighty-five percent of calls seeking repair service or to the business office during normal working hours shall be answered within 20 seconds.

(3) For purposes of this section, an “answer” means that the operator or other representative is ready to render assistance and to accept information necessary to process the call. An acknowledgement that the customer or applicant is waiting on the line does not constitute an answer.

(4) A public utility may measure its compliance with paragraphs (1) and (2) through the use of measuring devices, random sampling, statistically valid customer attitude surveys or a combination of these compliance measuring techniques. The Commission retains the right to determine the appropriateness of utility monitoring methods in particular circumstances.

Authority

The provisions of this § 63.59 issued under the Public Utility Code, 66 Pa.C.S. § § 501, 504, 1501, 1504 and 2901.

Source

The provisions of this § 63.59 adopted January 29, 1988, effective July 30, 1988, 18 Pa.B. 466.

§ 63.60. Automatic Dialing Announcing Devices (ADAD).

(a) Upon receipt of a complaint in which the complainant can identify the ADAD user, the public utility shall inform the ADAD user of the service standards set forth in subsection (b). A subsequent complaint may result, after notice, in suspension of the ADAD user’s service.

(b) A public utility may not knowingly permit an ADAD to be connected or operated over its network unless one of the following applies:

(1) A prior written agreement exists between the called and calling parties.

(2) The ADAD is used in accordance with the following standards:

(i) Within 10 seconds after the called-party terminates the call, the ADAD automatically shall create a disconnect signal or an on-hook condition allowing the called-party's line to be released. The ADAD shall terminate calls completed and a disconnect or an on-hook condition shall be created within 15 seconds of termination.

(ii) The recorded message shall begin with, or be preceded by, a statement announcing the name, address and call-back telephone number of the calling party, the nature and purpose of the ensuing message, and the fact the message is a recording.

(iii) No calls are permitted to be made to emergency telephone numbers of hospitals, fire departments, law enforcement offices or other entities providing emergency services.

(iv) No calls may be made on a Sunday before 1:30 p.m. or after 9 p.m. or before 9 a.m. or after 9 p.m. during the remainder of the week.

(v) The public utility shall make a determination either at the time of application for use or at the time the utility becomes aware of the use of the ADAD that no substantial impairment of service will occur as a result of the use of ADAD.

Authority

The provisions of this § 63.60 issued under the Public Utility Code, 66 Pa.C.S. § § 501, 504, 1501, 1504 and 2901.

Source

The provisions of this § 63.60 adopted January 29, 1988, effective July 30, 1988, 18 Pa.B. 466.

§ 63.61. Local dial service.

(a) A public utility shall operate and maintain central office and interoffice channel capacity and equipment adequate to achieve the following minimum service requirements during the average busy season, busy hour:

(1) Ninety-eight percent of calls shall be provided a dial tone within 3 seconds.

(2) Ninety-seven percent of correctly dialed intraoffice calls shall be completed.

(3) Ninety-six percent of correctly dialed interoffice calls shall be completed.

(b) For purposes of this section, completion is accomplished when either a ringing or busy signal resulting only from use of the called line occurs.

Authority

The provisions of this § 63.61 issued under the Public Utility Code, 66 Pa.C.S. § § 501, 504, 1501, 1504 and 2901.

Source

The provisions of this § 63.61 adopted January 29, 1988, effective July 30, 1988, 18 Pa.B. 466.

§ 63.62. Direct distance dial service.

(a) A public utility shall operate and maintain trunk and related switching components in the intertoll network adequate to achieve the following minimum service requirements for operator unassisted, properly dialed, direct distance dialed calls during the average busy season:

(1) Ninety-seven percent of outgoing calls by customers shall be completed to the trunk group.

(2) Ninety-eight percent of incoming calls by customers shall be completed from the trunk group.

(b) This section applies only to calls placed exclusively over the facilities of the public utility or over which the utility leases for the completion of local exchange calls.

Authority

The provisions of this § 63.62 issued under the Public Utility Code, 66 Pa.C.S. § § 501, 504, 1501, 1504 and 2901.

Source

The provisions of this § 63.62 adopted January 29, 1988, effective July 30, 1988, 18 Pa.B. 466.

§ 63.63. Transmission requirements and standards.

(a) A public utility shall furnish, operate and maintain facilities adequate to provide acceptable transmission of communications. Transmission shall be at adequate volume levels and free of excessive distortion, noise and cross talk.

(b) The transmission standards shall be based upon the use of telephone sets connected to a 48-Volt dial central office, measured at a frequency of 1000 Hertz (Hz).

(c) A telephone line terminating at a customer's premises shall have a loop resistance not exceeding the operating design of the associated central office equipment.

(d) Overall transmission loss on a customer loop shall not exceed 15 decibels.

Authority

The provisions of this § 63.63 issued under the Public Utility Code, 66 Pa.C.S. § § 501, 504, 1501, 1504 and 2901.

Source

The provisions of this § 63.63 adopted January 29, 1988, effective July 30, 1988, 18 Pa.B. 466.

§ 63.64. Metering inspections and tests.

(a) A public utility shall adopt a program of periodic tests, inspections and preventive maintenance aimed at achieving efficient operation of its system and the rendition of safe, adequate and continuous service.

(b) A public utility shall maintain or have access to test facilities enabling it to determine the operating and transmission capabilities of equipment and facilities, both for routine maintenance and for trouble location. The actual transmission performance of the network shall be monitored in order to determine if the established objectives and operating requirements are met. The monitoring function shall consist of circuit order test prior to placing trunks in service, routine periodic trunk maintenance tests, tests of actual switched trunk connections, periodic noise tests of a sample of customer loops in each exchange and special transmission surveys of the network.

(c) If a meter is used in connection with telephone service, it shall be read, where applicable, at monthly intervals. The meter reading records from which the customers' bills are prepared shall show:

(1) Identifying number or means to determine readily the customer's name, address and service classification.

(2) Meter readings.

(3) Date of meter reading.

(4) Multiplier or constant if used.

(d) A meter or other recording device used to record data and prepare customers' bills shall be in good mechanical and electrical condition, shall be accurately read and may not involve approximations. A meter or recording device shall accurately perform the following:

(1) For message rate service, if timing the length of message is not involved, the meter or recording device shall show the number of completed messages sent by the station or trunk which it is measuring.

(2) For measured rate or toll service when, in addition to recording a call, it is necessary to time the call, the recording device shall show the number of calls, and the chargeable time involved in each call and the station or trunk making the call. If a meter is associated with the station making the call, the meter shall accumulate the number of message units for these calls.

(3) If the recording equipment provides customer bills, accurate interpretation of the coded information is required.

(e) A telephone meter and recording device shall be tested prior to installation or when released for service and at regular intervals, or both, either by the manufacturer, the public utility or an approved organization equipped for the testing. The utility shall comply with the following:

(1) A public utility furnishing service, if local exchange billing is based on the number or duration of messages, shall provide the necessary facilities, instruments and equipment for testing its metering or recording equipment.

(2) The overall accuracy of the test equipment and test procedure shall be sufficient to enable testing of meter and record equipment within the requirements of this chapter.

(3) A meter and recording device tested under this subchapter for routine or complaint shall be tested in its normal operating location and wiring mode prior to removal or adjustment.

(4) A record of meter and recording equipment tests and adjustments and data sufficient to allow checking of the results shall be recorded. The record shall include the identifying number of the meter and recording device, its type, the date and kind of test and the results of each test.

(f) A public utility shall perform periodic testing and maintenance of its controlling trunk equipment associated with the meters or recording devices, or both, to assure the integrity of their operation.

(g) Upon request of a customer, a public utility shall make a test of a meter and recording device related to the billing. The requests may not be made more often than once every 3 months unless unusual circumstances exist.

(h) A customer, by request to the Commission, may have a test conducted by the public utility in the presence of a Commission representative.

Authority

The provisions of this § 63.64 issued under the Public Utility Code, 66 Pa.C.S. § § 501, 504, 1501, 1504 and 2901.

Source

The provisions of this § 63.64 adopted January 29, 1988, effective July 30, 1988, 18 Pa.B. 466.

§ 63.65. Safety.

A public utility shall adopt and implement a safety program fitted to the size and type of its operation and shall conform to the Occupational Safety Health Act (OSHA) standards, 29 CFR Parts 1910—1999 which:

- (1) Require employees to use suitable tools and equipment and to perform their work in a safe manner.
- (2) Instruct employees in safe work practices.
- (3) Instruct employees as to proper methods of artificial respiration for use in accidents, such as electric shock, asphyxiation and drowning.
- (4) Exercise reasonable care in minimizing hazards to which employees, customers and the general public may be subjected.

Authority

The provisions of this § 63.65 issued under the Public Utility Code, 66 Pa.C.S. § § 501, 504, 1501, 1508 and 2901.

Source

The provisions of this § 63.65 adopted January 29, 1988, effective July 30, 1988, 18 Pa.B. 466.

ATTACHMENT B

Proposed Regulations

CHAPTER 63. TELEPHONE SERVICE⁷

Subchap.	Sec.
A. GENERAL PROVISIONS ...	63.1
B. SERVICE AND FACILITIES ...	63.11
C. ACCOUNTS AND RECORDS ...	63.31
D. UNDERGROUND SERVICE ...	63.41
E. TELEPHONE QUALITY SERVICE STANDARDS ...	63.51
F. EXTENDED AREA SERVICE ...	63.71
G. PUBLIC COIN TELEPHONE SERVICE ...	63.91
H. INTEREXCHANGE TELECOMMUNICATIONS CARRIERS ...	63.101
I. INTEREXCHANGE RESELLERS ...	63.111
J. CONFIDENTIALITY OF CUSTOMER COMMUNICATIONS AND INFORMATION ...	63.131
L. UNIVERSAL SERVICE ...	63.161

Subchapter A. GENERAL PROVISIONS

§ 63.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

⁷ These amended regulations contain footnotes that reference the regulations of other states. It is the intention of the OCA that those references would be dropped from any adopted regulations.

Applicant—A person, association, partnership, corporation or government agency making a written or oral request for the commencement of or changes in its public utility service.

Application—A written or oral request to a public utility for the commencement of or changes in public utility service.

Automatic dialing-announcing device—Automatic equipment used for solicitation which has a storage capability of multiple numbers to be called or a random or sequential number generator that produces numbers to be called and has the capability, working alone or in conjunction with other equipment, of disseminating a prerecorded message to the number called.

Busy hour—The continuous 1-hour period of the day during which the volume of traffic is greater than during another continuous 1-hour period of the same day.

Busy season—The calendar month or 30-day period of the year during which the greatest volume of traffic is handled in the office.

Calls—A customer telephone message attempted.

Central office—An operating unit equipped with switching apparatus by means of which telephonic communication is established between telephones connected to it or by the additional aid of trunk lines between the telephones and telephones connected to other central offices.

Customer—A person, association, partnership, corporation or government agency provided with telephone service by a regulated public utility.

Exchange—A unit established by a public utility for the administration of communication services under its specific local exchange service tariff provisions consisting of one or more central offices with associated plant facilities used in furnishing services and having one point designated for the purpose of rating toll calls for customers.

Interexchange carrier—A carrier which provides interexchange telephone services to the public under 66 Pa.C.S. § 3008 (relating to interexchange telecommunication carrier).

Local service area—The area within which customers may call without assessment of toll charges.

Message—A completed customer or user call.

Message unit—A unit of measurement used for a form of exchange service under which originated messages are measured and charged for in accordance with the local exchange tariff.

Metering—The metering of data concerning a customer's calls which is used in preparation of the customer's bill for service which is made by operators, automatic message accounting, message registers or other acceptable data recorder methods.

Nonprimary service order—An application for simple residential or business, voice grade, public utility service which is not primary service.

Primary service order—An application for simple residential or business, voice grade, public utility service to be provided at a customer location which does not have public utility service including, but not limited to, the initial connection of a new customer or the transfer of public utility service of an existing customer's service to a new location.

Public utility—A person or corporation owning or operating equipment or facilities in this Commonwealth for conveying or transmitting messages or communications over the telecommunications network for the public for compensation. The term does not include either a person or corporation not otherwise a public utility who or which furnishes service only to himself or itself or a bona fide cooperative association which furnishes services only to its stockholders or members on a nonprofit basis.

Subscriber—A person, firm or corporation designated on public utility records as the party responsible for payment of bills for telephone service.

Surveillance level—A measurement of telephone service which indicates a need for the public utility to investigate the cause of the problem, to remedy the problem and to inform the Commission of the problem.

Trouble report—A written or oral report delivered to an authorized public utility representative by a customer or user of public utility services which relates to a defect, difficulty or dissatisfaction with the public utility's regulated service.

Trunk—A communication channel between central offices, switching units or private branch exchanges.

Working day—A day except Saturday, Sunday or legal holiday.

Subchapter B. SERVICE AND FACILITIES

- 63.11. Accident reports.
- 63.12. Minimizing interference and inductive effects.
- 63.13. Periodic inspections.
- 63.14. Emergency equipment and personnel.
- 63.15. Complaint procedures.
- 63.16. Traffic measurements.
- 63.17. [Reserved].
- 63.18. Multiparty line subscribers.
- 63.19. Interoffice lines.
- 63.20. Line extensions.
- 63.21. Directories.
- 63.22. Service records.
- 63.23. Construction and maintenance safety standards for facilities.
- 63.24. Service interruptions.

§ 63.11. Accident reports.

(a) *General.* A public utility shall submit a report of a reportable accident involving the facilities or operations of the public utility in this Commonwealth. The reports shall be addressed to the Secretary of the Commission.

(b) *Reportable accidents.* Reportable accidents are those involving utility facilities or operations which result in one or more of the following circumstances:

- (1) The death of a person.
- (2) Injury to an employee on duty sufficient to incapacitate him from performing his ordinary duties for a period longer than 3 days.
- (3) Injury to a person other than an employee on duty sufficient to incapacitate the injured person from following his customary vocation, or mode of life, for a period of more than 1 day.

(4) An occurrence of an unusual nature, whether or not death or injury of a person results, which apparently will result in a prolonged and serious interruption of normal service.

(c) *Telegraphic reports.* A report by telephone or telegraph shall be made at once in the event of the occurrence of a reportable accident resulting in the death of a person, or in the event of an occurrence of an unusual nature.

(d) *Written reports.* A written report shall be made on Form UCTA-8 immediately following the occurrence of a reportable accident as defined in subsection (b). Accidents reportable to the Commission, which reports are also required by the Bureau of Workmen's Compensation, Department of Labor and Industry, may be reported by transmitting a copy of the reports in lieu of a report on Form UCTA-8.

§ 63.12. Minimizing interference and inductive effects.

(a) *Interference.* A public utility system shall be so constructed as to eliminate cross-talk and noise resulting from faulty construction, to the extent that these factors interfere with the satisfactory transmission of messages.

(b) *Induction.* A public utility shall use reasonable means to minimize inductive effects between adjacent power and communication circuits.

(c) *Measurement.* A public utility shall measure the effects of interference and induction according to § 63.63.

§ 63.13. Periodic inspections.

A public utility shall adopt a program of periodic tests, inspections and preventive maintenance aimed at achieving continuous efficient operation of its system in a manner satisfactory to the Commission.

§ 63.14. Emergency equipment and personnel.

(a) *Emergencies.* A public utility shall take reasonable measures to meet emergencies, such as fire, storm, illness of personnel, power failure or sudden increase in traffic, by making available to the extent practicable the following:

- (1) Emergency sources of ringing, lighting and other power.
- (2) Other reserve equipment.

(i) The reserve equipment shall include a minimum of 5 hours (busy hour, busy season load)⁸ battery reserve for central offices equipped with permanently installed standby power facilities.

(ii) The reserve equipment shall include a minimum of 8 hours (busy hour, busy season load) battery reserve for central offices not equipped with permanently installed standby power facilities.⁹

(iii) Central offices shall have adequate provisions for standby power. A central office which is without stationary standby power facilities shall have available a portable power unit which can be delivered and connected on short notice.

(iv) Exchanges exceeding 5,000 lines shall be equipped with stationary standby power facilities.

(3) Qualified personnel for emergency operating and repair work.

(b) *Emergency service.* If the volume of traffic does not require that the central office be attended during the full 24 hours, emergency service shall be provided during the period in which the switchboard is unattended by the use of suitable alarm signals and conveniently available personnel.

§ 63.15. Complaint procedures.

(a) *Investigations.* A public utility shall make a full and prompt investigation of service complaints made to it through the Commission by its customers or third parties. Upon receiving a service complaint from a customer of a utility, the Commission will transmit a summary of the service complaint to the utility. If a service complaint is resolved, the utility may terminate the investigation by submitting or transmitting a copy of the service order which identified the action taken by the utility to resolve the service complaint. When complaints are referred to the public utility through the Commission, the public utility and the Commission shall work to process and resolve all complaints.

(b) *Records of complaints.* A public utility shall preserve written or recorded service complaints showing the name and address of the subscriber or complainant, the date and character of the complaint, the action taken and the date of final disposition. Records of complaints shall be kept in accordance with § 64.192 (relating to record maintenance).

⁸ Illinois 730.325

⁹ Illinois 730.325

(c) *Commission review.* If a customer or applicant expresses dissatisfaction with the utility company's decision or explanation, the utility shall inform the customer or applicant of the right to have the problem considered and reviewed by the Commission and shall provide the name, address and telephone number of the appropriate Commission Bureau. This subsection shall be read in conjunction with § § 64.141—64.182 when applicable to residential utility service.

§ 63.16. Traffic measurements.

Traffic measurements shall be taken of sufficient extent, frequency and character to determine that central office equipment and personnel are adequate to handle traffic without unreasonable delay.

§ 63.17. [Reserved].

§ 63.18. [Deleted]

§ 63.19. Interoffice lines.

A public utility furnishing, singly or jointly with other telephone companies, channels for communication between different central offices, may not connect stations of subscribers to these channels. Sufficient interoffice channels shall be provided to handle the traffic without unreasonable delay.

§ 63.20. Line extensions.

(a) *Duty of public utility to make line extensions.* A public utility shall make reasonable line extensions within the territory in which it is chartered to operate.

(b) *Tariffs to include line extension rule.* As part of its tariffs each public utility shall file rules with the Commission setting forth the conditions under which it will make line extensions servicing applicants within its charter territory.

§ 63.21. Directories.

(a) When a directory is provided by the public utility, it shall be revised and reissued at sufficiently frequent intervals to avoid serious inconvenience to the public. A satisfactory length for a directory period shall be determined by the volume of changes and new listings and the

facilities available for supplying new numbers to calling parties and for intercepting calls to numbers which have been changed.

(b) One copy of each new directory issue shall be furnished to each subscriber and one copy sent to the Commission by the issuing public utility at the time of its distribution to subscribers.

(c) A directory shall contain the following:

(1) The name of the issuing public utility.

(2) The month and year issued.

(3) A statement of the area covered by the directory.

(4) Necessary instructions to enable users to place calls efficiently, including, but not limited to, telephone company local, toll, emergency and operator-assistance calls. Necessary instructions to transact business with the telephone company, such as payment of bills, ordering changes in service and reporting service difficulties.

(5) A separate section containing social service organization, school and government listings.

(d) A name shall be listed in a directory only if the following conditions are met:

(1) It leads to a positive and particular identification of a party.

(2) It is a name the party legally is authorized to use.

(3) It is a name used by the party in the community.

(4) It is a name which is not misleading, deceptive or confusing.

(e) Upon receiving a customer complaint alleging misleading, deceptive or confusing directory listings, a public utility shall investigate the complaint under § 63.15 (relating to complaint procedures). If the utility determines that a directory listing is misleading, deceptive or confusing, the utility shall delete the listing from future directories. After reaching its decision the public utility shall advise interested parties in writing of its opinion and shall inform them of the right to file a complaint with the Commission.

§ 63.22. Service records.

(a) A public utility shall keep sufficient records to reflect the following:

(1) Tests and inspections showing data as to date, facilities tested or inspected, conditions of the facilities and action taken.

(2) Service complaints and trouble reports.

(i) A public utility shall provide for the receipt of trouble reports at all hours and make a full and prompt investigation of, and response to, customer complaints.

(ii) A public utility shall maintain an accurate record of customer trouble reports which shall include:

(A) Identification of the customer affected.

(B) Service affected.

(C) Time, date and nature of the report.

(D) Results of investigation.

(E) Action taken to remedy the situation.

(F) Time and date of trouble clearance or other disposition.

(3) Service interruptions affecting 300 or more customers, including the date, cause, extent and duration of the interruption.

(4) Location and description of its plant, including maps, as appropriate.

(b) Records required by this chapter shall be kept within this Commonwealth at an office of the utility located in the territory served by it, and shall be open for examination by the Commission or its representative.

(c) Records pertaining to reasonableness and adequacy of utility service, as required by this chapter, shall be filed with the Commission and released to the public upon request. A utility may petition the Commission for waiver of this subsection for particular public requests.

§ 63.23. Construction and maintenance safety standards for facilities.

Overhead and underground public utility equipment or facilities and crossings of the wires or cables of every public utility over or under the facilities of other public utilities, cooperative associations or electric

utilities—including parallel or random installation of underground electric supply and communication conductors or cable—shall be constructed and maintained in accordance with safe and reasonable standards as set forth in the most recent edition of the *National Electrical Safety Code* .

§ 63.24. Service interruptions.

(a) *System maintenance.* Each public utility shall endeavor to maintain its entire system in such condition as to make it possible to furnish continuous service, and shall take reasonable measures to prevent interruptions of service and to restore service with a minimum delay if interruptions occur.

(b) When main telephone service is interrupted for a period of at least 24 hours, the public utility, after due notice by the customer, shall apply the following schedule of allowances except in situations as provided for in paragraph (3):

(1) One-thirtieth of the tariff monthly rate of services and facilities furnished by the public utility rendered inoperative, useless or impaired for each of the first three full 24-hour periods during which the interruption continues after notice by the customer to the public utility conditioned that the out-of-service extends beyond a minimum of 24 hours.

(2) Two-thirtieths of each full 24-hour period beyond the first three 24-hour periods. However, in no instance may the allowance for the out-of-service period exceed the total charges in a billing period for the service and facilities furnished by the public utility rendered useless or impaired.

(3) When service is interrupted for a period of at least 24 hours due to such factors as storms, fires, floods or other conditions beyond the control of the public utility, an allowance of 1/30 of the tariff monthly rate for all services and facilities furnished by the public utility rendered inoperative or substantially impaired to the extent of being useless shall apply for each full 24 hours during which the interruption continues after notice by the customer to the public utility.

(4) The allowances set forth in paragraphs (1)—(3) may not be applicable where service is interrupted by the negligence or willful act of the customer to service or where the public utility, pursuant to the terms of the contract for service, suspends or terminates service for nonpayment of charges or for unlawful or improper use of the facilities or service or for any other reason provided for in the filed and effective tariff.

Subchapter C. ACCOUNTS AND RECORDS

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Subchapter D. UNDERGROUND SERVICE

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Subchapter E. TELEPHONE QUALITY SERVICE STANDARDS

Sec.

- 63.51. Purpose.
- 63.52. Exceptions.
- 63.53. General provisions.
- 63.54. Record retention.
- 63.55. Surveillance levels.
- 63.56. Measurements.
- 63.57. Customer trouble reports.
- 63.58. Installation of service.
- 63.59. Operator-handled calls.
- 63.60. Automatic Dialing Announcing Devices (ADAD).
- 63.61. Local dial service.
- 63.62. Direct distance dial service.
- 63.63. Transmission requirements and standards.
- 63.64. Metering inspections and tests.
- 63.65. Safety.

§ 63.51. Purpose.

This subchapter establishes, regulates and enforces uniform, fair and reasonable service objectives and surveillance levels of telephone service offered within this Commonwealth. This subchapter applies to regulated simple residential or business voice grade services offered by a public utility as defined in § 63.1 (relating to definitions). This subchapter does not preclude, supersede or amend Chapter 64 (relating to standards and billing practices for residential telephone service). This subchapter shall be applied in conjunction with Chapter 64.

§ 63.52. Exceptions.

This subchapter does not apply to services offered by interexchange carriers as defined in § 63.1 (relating to definitions).

§ 63.53. General provisions.

(a) A public utility shall provide telephone service to the public in its service area in accordance with its tariff on file with the Commission. The quality of service shall meet or exceed the minimum standards set forth in this subchapter.

(b) If a public utility fails to meet a standard service surveillance level in a reporting entity as described in this subchapter, the service data for the standard not met in that reporting entity shall be filed with the Commission.

(c) A public utility shall provide access to operator-assisted services for all exchanges at all hours.

(d) A public utility shall provide equipment and facilities designed and engineered in accordance with realistic forecasts of customer demand and shall maintain, or have access to, a stock of associated equipment to meet the demand.

(e) If unreasonable hardship to a person or to a utility results from compliance within this subchapter, application may be made to the Commission for modification of the section or for temporary exemption from its requirements. The adoption of this subchapter by the Commission will not preclude the altering or amending of the provisions in a manner consistent with applicable statutory procedures, nor will the adoption of this subchapter preclude the Commission from granting temporary exemptions in exceptional cases. A person or utility that files an application under this section shall provide notice to a person who may be affected by the modification or temporary exemption. Notice may be made by a bill insert or in another reasonable manner.

§ 63.54. Record retention.

A public utility shall retain for at least 90 days the information contained in customer bills and used by the public utility in compiling customer bills. Billing information on an account for which a dispute is pending shall be retained until the dispute has been finally resolved.

§ 63.55. Surveillance levels.

(a) When the level of operation of a public utility fails to meet a stated average level of operation required by this subchapter for a period of 3 consecutive months in any exchange, the public utility immediately shall:

(1) Initiate an investigation into the cause of the inadequate performance.

(2) Inform the Commission of the substandard performance and of steps, studies and investigations commenced and undertaken by the public utility to determine the cause and to remedy the inadequate performance.

(b) In addition to the requirements set forth in subsection (a), a public utility shall file with the Commission, within 5 working days from its initial contact with the Commission as provided for in subsection (a)(2), a report which contains the following information:

- (1) The nature of the problem.
- (2) The cause of the problem.
- (3) The duration of the problem.
- (4) The result of studies and investigations which have been taken.
- (5) The remedial action taken.

(c) A public utility shall monitor the stated service problem area for a period of 1 month. At the end of this 1 month period the public utility shall file an updated status report with the Commission.

§ 63.56. Measurements.

(a) A public utility shall utilize measuring devices, methods and practices generally recognized and accepted by the communications industry to obtain or to allow the calculation of the service objectives detailed in this subchapter.

(b) Equipment arrangements permitting, each public utility shall have an objective of attaining at least 300 local dial service measurements per month on originating entities serving more than 10,000 access lines that are a part of a local dial network of 15,000 access lines.

(c) A public utility shall provide, maintain and operate a dial tone speed measuring device for originating entities serving more than 3,000 access lines.

(d) A public utility shall provide, maintain and operate load or service indicating devices on originating equipment for entities not equipped with a dial tone speed measuring device.

(e) A public utility shall monitor the answering time for calls received at customer contact locations, including, but not limited to, repair service, business offices and toll operator office. The monitoring required by this

subchapter may be accomplished through measuring devices, random sampling or statistically valid customer satisfaction surveys. The Commission retains the right to determine the appropriateness of utility monitoring methods in particular circumstances.

(f) A public utility shall establish and maintain a performance record for each central office or other appropriate entity which shall be kept current and shall show applicable service results hourly, daily, monthly, as appropriate.

(g) Records and measurements required by this section shall be retained by the public utility for a minimum period of 3 years.

(h) A public utility shall engage in a program to upgrade or install a Network Interface Device (NID) at each residential and single-line business location, designed to allow the customer to easily isolate the telephone network from the inside wiring. Such a program may include replacements during installation and repair visits, as well as a structured replacement plan. A public utility may not charge a customer for any repair visit if the customer does not have access to a properly installed NID.¹⁰

§ 63.57. Customer trouble reports.

(a) A public utility shall respond to and take substantial action to clear out-of-service trouble of an emergency nature whenever the outage occurs, within 3 hours of the reported outage consistent with the needs of customers and personal safety of utility personnel.

(b) A public utility shall respond to and take substantial action to clear other out-of-service trouble, not requiring unusual repair, within 24 hours of the report.

(c) A public utility shall clear at least 90% of out-of-service trouble reports within eight working hours, except where access to the customer's premises is required but not available or where interruptions are caused by unavoidable casualties affecting large groups of customers. A public utility that does not clear 85% of its out-of-service trouble reports per month in a specific exchange is subject to the reporting requirements set forth in § 63.55(a) (relating to surveillance levels).¹¹

(d) Repair Appointments. If a premises visit is required, the public utility shall schedule an appointment period with the customer for morning or

¹⁰ Illinois 730.335

¹¹ Texas 26.54,

afternoon, not to exceed a four-hour time period, on the due date. If the public utility is unable to keep the appointment, the public utility shall notify the customer by a telephone call twenty-four hours in advance and shall schedule a new appointment. If unable to gain access to the customer's premises during the scheduled appointment period, the public utility representative shall leave a notice at the premises advising the customer how to reschedule the work.¹² If the public utility fails to arrive at the customer's premises within the scheduled four-hour time period, the utility shall issue a credit in the amount of that customer's monthly local service charge to the customer

(e) Ninety percent of a public utility's commitments to applicants as to date of completion of repairs of reported trouble shall be met, except for applicant-caused delays, adverse weather conditions and other supervening causes beyond the utility company's control.

(f) If unusual repairs are required or other factors preclude the prompt clearing of reported trouble, reasonable efforts shall be made to notify affected customers.

(g) A report received by the public utility shall be counted as a separate report even though it may be a duplication of, or may involve a progress inquiry of, a previous report.

(h) It shall be substandard performance for a public utility to receive more than 5.5 customer trouble reports per 100 lines per month in any exchange. A public utility receiving greater than 5.5 customer trouble reports per 100 lines per month in any exchange is subject to the reporting requirements set forth in § 63.55(a) (relating to surveillance levels).

(i) Each public utility shall establish procedures to ensure the prompt investigation and correction of trouble reports so that the percentage of repeated trouble reports on residence and single line business lines does not exceed 20% of the total customer trouble reports on those lines. A repeated trouble report is another report involving the same item of plant within 30 days of the initial report.

§ 63.58. Installation of service.

(a) Ninety-five percent of a public utility's primary service order installation shall be completed within 5 working days of receipt of an application unless a later date is requested by the applicant or when

¹² Texas 26.54

construction is required. A public utility that does not complete 90 percent of its primary service order installations in any month in any of its exchanges is subject to the reporting requirements set forth in § 63.55(a) (relating to surveillance levels).¹³

(b) Ninety percent of a public utility's nonprimary service orders shall be completed no later than 20 days of receipt of an application unless a later date is requested by the applicant. If the utility company is unable to fill a nonprimary service order within the requisite time, the utility shall so inform the applicant and provide the applicant with the date nonprimary service will be available.

(c) If a premises visit is required, the public utility shall schedule an appointment period with the customer for morning or afternoon, not to exceed a four-hour time period, on the due date. If the public utility is unable to keep the appointment, the public utility shall notify the customer by a telephone [call](#) twenty-four hours in advance and shall schedule a new appointment. If unable to gain access to the customer's premises during the scheduled appointment period, the public utility representative shall leave a notice at the premises advising the customer how to reschedule the work.¹⁴ If the public utility fails to arrive at the customer's premises within the scheduled four-hour time period, the utility shall issue a credit in the amount of that customer's monthly recurring service charge to the customer

(d) Ninety percent of a public utility's commitments to applicants as to date of installation of service orders shall be met, except for applicant-caused delays, adverse weather conditions and other supervening causes beyond the utility company's control.

§ 63.59. Operator-handled calls.

(a) A public utility supplying operators shall establish practices for operators and the public utility shall establish practices for its representatives with the stated objective of providing efficient and pleasing service to its customers. Operators and other representatives shall be instructed to be courteous and considerate, and to comply with the Communications Act of 1934 (47 U.S.C.A. § § 157—611) in maintaining the secrecy of communications.

(b) A public utility supplying operators shall maintain adequate personnel and equipment to assure an average operator answering

¹³ Texas 26.54

¹⁴ Texas 26.54

performance for each of its operating centers on a monthly basis as follows:

(1) Ninety percent of toll and operator assistance calls shall be answered within 10 seconds.

(2) Eighty-five percent of calls seeking repair service or to the business office during normal working hours shall be answered within 20 seconds.

(3) For purposes of this section, an “answer” means that the operator or other representative is ready to render assistance and to accept information necessary to process the call. An acknowledgement that the customer or applicant is waiting on the line does not constitute an answer.

(4) A public utility may measure its compliance with paragraphs (1) and (2) through the use of measuring devices, random sampling, statistically valid customer attitude surveys or a combination of these compliance measuring techniques. The Commission retains the right to determine the appropriateness of utility monitoring methods in particular circumstances.

§ 63.60. Automatic Dialing Announcing Devices (ADAD).

(a) Upon receipt of a complaint in which the complainant can identify the ADAD user, the public utility shall inform the ADAD user of the service standards set forth in subsection (b). A subsequent complaint may result, after notice, in suspension of the ADAD user’s service.

(b) A public utility may not knowingly permit an ADAD to be connected or operated over its network unless one of the following applies:

(1) A prior written agreement exists between the called and calling parties.

(2) The ADAD is used in accordance with the following standards:

(i) Within 10 seconds after the called-party terminates the call, the ADAD automatically shall create a disconnect signal or an on-hook condition allowing the called-party’s line to be released. The ADAD shall terminate calls completed and a disconnect or an on-hook condition shall be created within 15 seconds of termination.

(ii) The recorded message shall begin with, or be preceded by, a statement announcing the name, address and call-back telephone number of the calling party, the nature and purpose of the ensuing message, and the fact the message is a recording.

(iii) No calls are permitted to be made to emergency telephone numbers of hospitals, fire departments, law enforcement offices or other entities providing emergency services.

(iv) No calls may be made on a Sunday before 1:30 p.m. or after 9 p.m. or before 9 a.m. or after 9 p.m. during the remainder of the week.

(v) The public utility shall make a determination either at the time of application for use or at the time the utility becomes aware of the use of the ADAD that no substantial impairment of service will occur as a result of the use of ADAD.

§ 63.61. Local dial service.

(a) A public utility shall operate and maintain central office and interoffice channel capacity and equipment adequate to achieve the following minimum service requirements during the average busy season, busy hour:

(1) Ninety-eight percent of calls shall be provided a dial tone within 3 seconds.

(2) Ninety-seven percent of correctly dialed intraoffice calls shall be completed.

(3) Ninety-six percent of correctly dialed interoffice calls shall be completed.

(b) For purposes of this section, completion is accomplished when either a ringing or busy signal resulting only from use of the called line occurs.

§ 63.62. Direct distance dial service.

(a) A public utility shall operate and maintain trunk and related switching components in the intertoll network adequate to achieve the following minimum service requirements for operator unassisted, properly dialed, direct distance dialed calls during the average busy season:

(1) The trunk and related switching components in the inter-toll network shall be engineered and maintained so that 98% of the properly dialed incoming interMSA calls, during the average busy season, shall receive ringing signal, busy tone, or intercept on the first attempt. When this rate

falls below 96% for three consecutive months, corrective action shall be initiated and that action reported to the Commission.¹⁵

(2) Inter-office toll access trunks shall be engineered for completion of 99% of calls without an all trunks busy condition. Whenever the completion rate falls below 97% for three consecutive months, corrective action shall be initiated and that action reported to the Commission.¹⁶

(b) This section applies only to calls placed exclusively over the facilities of the public utility or over which the utility leases for the completion of local exchange calls.

§ 63.63. Transmission requirements and standards.

(a) A public utility shall furnish, operate and maintain facilities adequate to provide acceptable transmission of communications. Transmission shall be at adequate volume levels and free of excessive distortion, noise and cross talk.

(b) The transmission standards shall be based upon the use of telephone sets connected to a 48-Volt dial central office, measured at a frequency of 1000 Hertz (Hz) unless otherwise specified.¹⁷

(c) A telephone line terminating at a customer's premises shall have a loop resistance not exceeding the operating design of the associated central office equipment.

(d) All newly constructed and rebuilt subscriber lines shall be designed for a transmission loss of no more than 8 decibels from the serving central office to the customer premises network interface. All subscriber lines shall be maintained so that transmission loss does not exceed 10 decibels.¹⁸

(e) Subscriber lines shall in addition be constructed and maintained so that metallic noise does not exceed 30 decibels above reference noise level ("C" message weighting) on any subscriber line.¹⁹

(f) For subscriber lines, the impulse noise level count shall not exceed 15 pulses above the threshold in any continuous 15 minute period on any

¹⁵ Illinois 730.520, Texas 26.54 (97%),

¹⁶ Illinois 730.520, Texas 26.54 (97%),

¹⁷ In most cases, transmission tests are performed at 1004 Hz to prevent equipment frequency conflicts.

¹⁸ Texas 26.54

¹⁹ Illinois 730.525

loop. The reference noise level threshold shall be less than 59 dBmC when measured at central office (CO), or referred to CO through 1004 Hz loss.²⁰

(g) All switched voice circuits shall be adequately designed and maintained to allow transmission of at least 28,800 bits of data per second when connected through an industry standard modem (ITU-T V.32bis or equivalent) or a facsimile machine (ITU-T V.17 or equivalent).²¹

§ 63.64. Metering inspections and tests.

(a) A public utility shall adopt a program of periodic tests, inspections and preventive maintenance aimed at achieving efficient operation of its system and the rendition of safe, adequate and continuous service.

(b) A public utility shall maintain or have access to test facilities enabling it to determine the operating and transmission capabilities of equipment and facilities, both for routine maintenance and for trouble location. The actual transmission performance of the network shall be monitored in order to determine if the established objectives and operating requirements are met. The monitoring function shall consist of circuit order test prior to placing trunks in service, routine periodic trunk maintenance tests, tests of actual switched trunk connections, periodic noise tests of a sample of customer loops in each exchange and special transmission surveys of the network.

(c) If a meter is used in connection with telephone service, it shall be read, where applicable, at monthly intervals. The meter reading records from which the customers' bills are prepared shall show:

(1) Identifying number or means to determine readily the customer's name, address and service classification.

(2) Meter readings.

(3) Date of meter reading.

(4) Multiplier or constant if used.

(d) A meter or other recording device used to record data and prepare customers' bills shall be in good mechanical and electrical condition, shall be accurately read and may not involve approximations. A meter or recording device shall accurately perform the following:

²⁰ Texas 26.54

²¹ Texas 26.54 (14,400 bps)

(1) For message rate service, if timing the length of message is not involved, the meter or recording device shall show the number of completed messages sent by the station or trunk which it is measuring.

(2) For measured rate or toll service when, in addition to recording a call, it is necessary to time the call, the recording device shall show the number of calls, and the chargeable time involved in each call and the station or trunk making the call. If a meter is associated with the station making the call, the meter shall accumulate the number of message units for these calls.

(3) If the recording equipment provides customer bills, accurate interpretation of the coded information is required.

(e) A telephone meter and recording device shall be tested prior to installation or when released for service and at regular intervals, or both, either by the manufacturer, the public utility or an approved organization equipped for the testing. The utility shall comply with the following:

(1) A public utility furnishing service, if local exchange billing is based on the number or duration of messages, shall provide the necessary facilities, instruments and equipment for testing its metering or recording equipment.

(2) The overall accuracy of the test equipment and test procedure shall be sufficient to enable testing of meter and record equipment within the requirements of this chapter.

(3) A meter and recording device tested under this subchapter for routine or complaint shall be tested in its normal operating location and wiring mode prior to removal or adjustment.

(4) A record of meter and recording equipment tests and adjustments and data sufficient to allow checking of the results shall be recorded. The record shall include the identifying number of the meter and recording device, its type, the date and kind of test and the results of each test.

(f) A public utility shall perform periodic testing and maintenance of its controlling trunk equipment associated with the meters or recording devices, or both, to assure the integrity of their operation.

(g) Upon request of a customer, a public utility shall make a test of a meter and recording device related to the billing. The requests may not be made more often than once every 3 months unless unusual circumstances exist.

(h) A customer, by request to the Commission, may have a test conducted by the public utility in the presence of a Commission representative.

§ 63.65. Safety.

A public utility shall adopt and implement a safety program fitted to the size and type of its operation and shall conform to the Occupational Safety Health Act (OSHA) standards, 29 CFR Parts 1910—1999 which:

- (1) Require employees to use suitable tools and equipment and to perform their work in a safe manner.
- (2) Instruct employees in safe work practices.
- (3) Instruct employees as to proper methods of artificial respiration for use in accidents, such as electric shock, asphyxiation and drowning.
- (4) Exercise reasonable care in minimizing hazards to which employees, customers and the general public may be subjected.

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